

1 Brian D. Huben, Cal. Bar No. 134354
Dustin P. Branch, Cal. Bar No. 174909
2 Michael S. Myers, Cal. Bar No. 305011
BALLARD SPAHR LLP
3 2029 Century Park East, Suite 800
Los Angeles, CA 90067-2909
4 Telephone: 424.204.4400
Facsimile: 424.204.4350

5 Attorneys for Landlord Creditors
6 Starwood Retail Partners LLC and The Forbes Company

7 **UNITED STATES BANKRUPTCY COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **LOS ANGELES DIVISION**

10	In re	)	Case No. 2:18-bk-11744-NB
11	B&B LIQUIDATING, LLC,	)	Chapter 11
12	Debtor.	)	EVIDENTIARY OBJECTION OF THE
13		)	FORBES COMPANY TO DECLARATION
14		)	OF MICHAEL ZIELINSKI (DOCKET NO.
15		)	239)
16		)	Date: November 6, 2018
17		)	Time: 1:00 p.m.
		)	Place: Courtroom 1545
		)	255 East Temple Street
		)	Los Angeles, CA 90012

18 The Forbes Company, as the managing agent for the landlord of Somerset Collection North,
19 submits the following evidentiary objection to the Declaration of Michael Zielinski (Docket No.
20 239) as follows:

21 1. Page 9, line 28 to page 10, line 5, and Exhibit 1: "It is my understanding from the
22 Debtor that the mall in which the Forbes store is located covered the windows of the store the night
23 of August 26, and that Debtor therefore vacated and delivered possession to Forbes on August 27.
24 Attached as Exhibit 1 to this declaration is a true and correct copy of an e-mail I received from
25 Brian Lipman, Debtor's president, relating these facts."

- 26 • Evidentiary objections: Hearsay (Fed.R.Evid. 801); Lack of personal knowledge and
27 foundation (Fed.R.Evid. 602 and 901).

Ballard Spahr LLP
2029 Century Park East, Suite 800
Los Angeles, CA 90067-2909

1 Dated: October 30, 2018

BALLARD SPAHR LLP

2

By: /s/ Brian D. Huben
Brian D. Huben

3

4

Attorneys for Landlord Creditors
Starwood Retail Partners LLC and
The Forbes Company

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Ballard Spahr LLP
2029 Century Park East, Suite 800
Los Angeles, CA 90067-2909

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 2029 Century Park East, Suite 800, Los Angeles, CA 90067-2909.

A true and correct copy of the foregoing document described as **EVIDENTIARY OBJECTION OF THE FORBES COMPANY TO DECLARATION OF MICHAEL ZIELINSKI (DOCKET NO. 239)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”) – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) (“LBR”), the foregoing document will be served by the court via NEF and hyperlink to the document. On **October 30, 2018**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Charla L Brown on behalf of Creditor Texas Comptroller of Public Accounts
charla.brown@cpa.texas.gov

Shirley Cho on behalf of Creditor Committee Official Committee Of Unsecured Creditors
scho@pszjlaw.com

Brian L Davidoff on behalf of Debtor B&B Liquidating, LLC
bdavidoff@greenbergglusker.com, calendar@greenbergglusker.com;jking@greenbergglusker.com

John P Dillman on behalf of Creditor Harris County
houston_bankruptcy@publicans.com

Jeffrey W Dulberg on behalf of Creditor Committee Official Committee Of Unsecured Creditors
jdulberg@pszjlaw.com

Brian D Huben on behalf of Creditor Centennial Real Estate Company
hubenb@ballardspahr.com, carolod@ballardspahr.com

Brian D Huben on behalf of Creditor Starwood Retail Partners LLC
hubenb@ballardspahr.com, carolod@ballardspahr.com

Brian D Huben on behalf of Creditor The Forbes Company
hubenb@ballardspahr.com, carolod@ballardspahr.com

William W Huckins on behalf of Creditor General Growth Landlords
whuckins@allenmatkins.com, clynch@allenmatkins.com

William W Huckins on behalf of Creditor Taubman Landlords
whuckins@allenmatkins.com, clynch@allenmatkins.com

Courtney J Hull on behalf of Creditor Texas Comptroller of Public Accounts
bk-chull@oag.texas.gov, sherri.simpson@oag.texas.gov

Lillian Jordan on behalf of Interested Party Courtesy NEF
ENOTICES@DONLINRECANO.COM, RMAPA@DONLINRECANO.COM

Dare Law on behalf of U.S. Trustee United States Trustee (LA)
dare.law@usdoj.gov

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Leo D Plotkin on behalf of Creditor Siena Lending Group, LLC
lplotkin@isl-la.com, hpetrilli@isl-la.com;dsmall@isl-la.com

Leo D Plotkin on behalf of Interested Party Courtesy NEF
lplotkin@isl-la.com, hpetrilli@isl-la.com;dsmall@isl-la.com

Hamid R Rafatjoo on behalf of Interested Party ModernHR
hrafatjoo@raineslaw.com, bclark@raineslaw.com;cwilliams@raineslaw.com

Martin W Taylor on behalf of Creditor Israel Discount Bank of New York
martin.taylor@troutman.com, anabel.pineda@troutman.com

Ronald M Tucker, Esq on behalf of Creditor Simon Property Group, Inc.
rtucker@simon.com, cmartin@simon.com;psummers@simon.com;Bankruptcy@simon.com

United States Trustee (LA)
ustpreion16.la.ecf@usdoj.gov

Elizabeth Weller on behalf of Creditor Dallas County
dallas.bankruptcy@publicans.com

Elizabeth Weller on behalf of Creditor c/o Elizabeth Weller City of Frisco
dallas.bankruptcy@publicans.com

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On **October 30, 2018**, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **October 30, 2018**, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

Honorable Neil W. Bason
United States Bankruptcy Court, Central District of California
Ronald Reagan Federal Building and Courthouse
255 E. Temple Street, Suite 1552 / Courtroom 1545
Los Angeles, CA 90012

VIA PERSONAL DELIVERY

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

October 30, 2018
Date

Donna Carolo
Type Name

/s/ Donna Carolo
Signature